

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN LEE, DAM Y. JOH,

Plaintiffs,

v.

GIL H. HAN, an individual; JAMES Y.
PYON, aka YOUNG S. PYON, an individual;
UNITED STATES DEPARTMENT OF
DEFENSE, ARMY; and AVTEL SERVICE,
INC., a California corporation, form of entity
unknown,

Defendants.

Case No. C03-5715 RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Plaintiffs' Response to this Court's Order to Show Cause.

Having considered the entirety of the records and file herein, the Court rules as follows:

The plaintiffs filed their complaint against defendants Gil H. Han, James Y. Pyon, the United States Army and Avtel Service, Inc. on or about December 26, 2003. On or about February 9, 2005, the United States Army was dismissed upon the Army's unopposed motion, and on or about March 1, 2005, defendants Gil H. Han and Avtel Services, Inc. were dismissed after the plaintiffs failed to respond to this Court's Order to Show Cause and for the failure to effect service. The Court by minute entry dated September 8, 2004, set this matter for trial on April 4, 2005 and for a pretrial conference on March 25, 2005, with corresponding dates for the completion of discovery, the filing of pretrial motions, a pretrial order, motions in limine, trial briefs

1 and jury instructions. [Dkt. #16] Plaintiffs filed nothing. On the date set for the pretrial conference, the
2 plaintiffs failed to appear. Defendant James Y. Pyon's counsel was present at the conference and orally moved
3 to dismiss the case for failure of the plaintiffs to prosecute the action.

4 On that same date, the Court entered an Order to Show Cause why this matter should not be dismissed
5 for the failure to prosecute. Plaintiffs responded to the Order on April 4, 2005 and stated that they have now
6 agreed to mediation and/or a settlement with the defendant. The date set for mediation to be completed was
7 March 12, 2005. [Dkt. #16]

8 Plaintiffs, for some unknown reason, believe that they may ignore with impunity this Court's Order for
9 the timely completion of this lawsuit. They have failed to meet the deadlines imposed by this Court, and, even
10 now over two months since they responded and declared that they were actively pursuing mediation - - a
11 deadline which has passed - - they have apparently done nothing to move this litigation forward. Therefore,
12 it is hereby

13 **ORDERED** that this matter is **DISMISSED** for the failure of the plaintiffs to prosecute the action.

14 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
15 pro se.

16 Dated this 6th day of June, 2005.

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19 RONALD B. LEIGHTON
20 UNITED STATES DISTRICT JUDGE
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